PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

10/650,304

Confirmation No.: 6921

RECEIVED

Applicant

John M.K. Daniel et al.

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Filed

FEB-10-06 13:41

August 28, 2003

FEB 1 0 2006

TC/A.U.

3731

Examiner

Vi X. Nguyen

Title

DISTAL PROTECTION DEVICE AND METHOD

Docket No.

1001.1351114

Customer No. :

28075

RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop OFFICE OF PETITIONS Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.06(d) The undersigned hereby certifies that this paper of papers, as described herein, are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No 571-273-8300, on this 🙋 day of

Telegram, 2006 JoAnn Lindman

Dear Sir:

This is a request for reconsideration of the dismissal of applicants' Peution to Revive filed December 30, 2005. In the Communication from the Petitions Attorney, dated January 17, 2006, dismissing applicants' Petition, the Petitions Attorney indicated that applicants' Petition included all the required elements, except for the required reply.

Accompanying this Communication is a copy of the continuation application filed December 21, 2005 in response to the Office Action dated June 21, 2005. This continuation has now been assigned Serial No.11/314,775. Applicants respectfully submit that the continuation application satisfies the requirement for a reply in accordance with MPEP §711.03(c)II.A.2.(b)(D).

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PTO/SB/05 (09-04)
Approved to: use through 07/31/2006 OMB 0651-0032
U.S. Patent and Trademain Office, U.S. DEPARTMENT OF COMMERCE
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T-812 P.05

UTILITY	Attorney Docket No	1001 1351116		
PATENT APPLICATION	First Inventor	John M.K. Daniel		
TRANSMITTAL	Title	Distal Protection Device and Method		
(Outy for new nonprovisional applications under 37 CFR 1 33(b))	Express Mail Label No.	EV426645693US		
APPLICATION ELEMENTS See MPEP chapter 800 concoming whity patent application contents	ADDRESS TO.	Commissioner for Patents P O. Box 1450 Alexandria VA 22313-1450		
1. Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing) Applicant claims small entity status. See 37 CFR 1.27 3 / Specification [Total Pages 48] Both the claims and abstract must start on a new page (For information on the preferred arrangement and MPEP 603 01(3)) 4 / Drawing(s) (35 U.S.C 173) [Total Sneets 16]; 5 Oath or Declaration [Total Sneets 3]] a Newly executed (original or copy) b / A copy from a prior application (37 CFR 1 63(d)) (for continuation/divisional with Box 18 completed) DELETION OF INVENTOR(\$) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1 63(d)(2) and 1 33(d) 6 Application Data Sneet See 37 CFR 1 76 7 CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) Landscape Table on CD 8 Nucleotide and/or Amino Acid Sequence Submission (if applicable, items a - c are required) a Computer Readable Form (CRF) b Specification Sequence Listing on CD-ROM or CD-R (2 copies), or Paper	ACCOMPANYING APPLICATION PARTS 9. Assignment Papers (cover sheet & document(s)) Name of Assignee 10 37 CFR 3 73(b) Statement Power of Attorney 11 English Translation Document (if applicable) 12 Information Disclosure Statement (PTO/SB/08 or PTO-1449) 13 Preliminary Amendment 14. Return Receipt Postcard (MPEP 503) (Snould be specifically stamized) 15 Certified Copy of Priority Document(s) (if foreign priority is claumed) 16 Nonpublication Request under 35 U S C 122(b)(2)(B)(i) Applicant must attach form PTO/SB/35 or equivalent			
c Statements verifying identity of above copies 18 If a CONTINUING APPLICATION, check appropriate box, and sup-	nly the requisite information	n below and in the first sentence of the		
specification following the title, or in an Application Data Sheet under 3	CFR 1.76			
Continuation Divisional Continua	tion-in-paπ (CIP) of pr	nor application No.: , 10/650,304		
Prior application information Examiner nguyen vi x	Art UI	nd. 3731		
19. CORRESPONDENCE ADDRESS				
The addless associated with Customer Number 280	75	OR Correspondence address below		
Name CROMPTON SEAGER & TUFTE LLC				
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an market	Miny'	Zip Code 55403-2420		
Country	6/2-67/1-9050	Fax 612-359-9349		
Signature	Da	Peoperation No.		
Name (Print/Type) Gienn M. Seager	<u> </u>	(Attorney/Agent) 36,926		
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This collection of information is required by 37 CFR 1.53(p). The information is required to obtain or retain at penelit by the public which is to file (and by the USPTO to process) an application. Conhocituality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This confection is estimated to take 12 minutes to complete, including galliering, preparing, and submitting the corriginted application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form analysis solders to reducing this burden, should be sent to the Chief information Office. U.S. Department of Commerciae, P.O. Box 1450, Alexandia, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO This ADDRESS. SEND TO, Commissioner for Patents, P.O. Box 1450, Alexandia, VA 22313-1450.

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Fees pursuant to the Consolidated Appropriations Act 2005 (H.R. 4818) FEE TRANSMITTAL For FY 2005 Applicant claims small entity status. See 37 CFR 1 27		Complete if Known				
		Application Number	NEW APPLICATION			
		Filing Date	December 21, 2005	REC		
		First Named Inventor	John M K Daniel	CENTRAL F		
		Examiner Name	Nguyen, Vi X			
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Non-English Specification, \$130 fee (no small entity discount)

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Signature Registration No 36,928 Tetephone 612-67	
(Attorney/Agent) 30,320	7-9050
Name (Print/Type) Glenn M Seager Date December:	?1, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U SC 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete including gathering, preparing and submitting the completed application from to the USPTO. The will early depending upon the individual case. Any commentation on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer. U.S. Patient and Tradenian Office. U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA.22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PYO/SB/17 (12-04) Approved for use through 07/31/2008 OMB 0651-0032 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no necessary see nequesed to respond to a collection of information unless it displays a valid OMB control number Effective on 12/08/2004 Complete if Known Foos pursuant to the Consolicated Appropriations: Act. 2005 (FFR: 4818). NEW APPLICATION RECEIVED Application Number FEE TRANSMITT December 21, 2005 CENTRAL FAX CENTER Filing Date For FY 2005 First Named Inventor John M.K. Daniel FBB 1 0 2006 Examiner Name Nguyen, Vi X Applicant claims small entity status. See 37 CFR 1 27 Art Unit 3731 TOTAL AMOUNT OF PAYMENT (\$) 1,200 00 1001.1351116 Attorney Docket No METHOD OF PAYMENT (check all that apply) Check L Credit Card L Money Order None I Other (please identify): Depose Account Name Crompton, Seager & Tota LLC ✓ Deposit Account Deposit Account Number 50-0413 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge tea(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments under 37 CFR 1 16 and 1 17 WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038 **FEE CALCULATION** 1. BASIC FILING, SEARCH, AND EXAMINATION FEES FILING FEES **SEARCH FEES EXAMINATION FEES** Small Entity Small Entity Small Entity Application Type Fee (\$) Fees Paid (\$) Fee (5) Fee (\$) Fee (\$) Fee (\$) Fee (5) Utility 300 150 500 200 1,000.00 250 100 Design 200 100 100 50 130 65 Plant 20u 100 300 150 160 80 Reissue 300 120 500 250 600 300 Provisional 200 TOO 0 0 O ٥ 2. EXCESS CLAIM FEES Small Entity Fee Description Fec (\$) Fee (\$) Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25 Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100 Multiple dependent claims 180 Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims • 20 or n₽ = 0 x 50 00 Fee (\$) Fee Paid (\$) HP = highest number of total claims paid for, if greater than 20 Fee (\$) Indep Claims Extra Claims Fee Paid (\$) 200 00 -3 or HP = 200.00 MP - highest number of independent claims paid for if greater than 3 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1 16(s) Number of each additional 50 or fraction thereof Extra Sheets Fee Paid (\$) _ (round up to a whole number) x 4. OTHER FEE(S) Fees Paid (\$) Non-English Specification, \$130 fee (no small entity discount)

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Signature	11/1/1/1/	11	Registration No 36,926 Telephone 612-677-9050
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including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Transman, Officer U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

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This will acknowledge receipt of Utility Paient Application Transmittal, Fee Transmittal (2), copy of prior patent application including 48 pages of specification, 16 sheets of drawings, copy of Declaration, 3.73(b) Statement, Power of Attorney, a check in the amount of \$1,200 and Postcard Receipt, with respect to the following.

Date of Deposit: December 21, 2005 Applicant: John M. K. Daniel et al. Serial No.: NEW APPLICATION Filing Date: December 21, 2005

Docket No.: 1001.1351116 For: DISTAL PROTECTION DEVICE AND METHOD

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Date of Deposit: December 21, 2005 Applicant: John M. K. Daniel et al Serial No.: NEW APPLICATION Filing Date December 21, 2005 Docket No.: 1001.1351116

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For: DISTAL PROTECTION DEVICE AND METHOD

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